

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20189
Honorable David M. Lawson

DORIAN A. SUTTON,

Defendant.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION *IN LIMINE*

On June 21, 2011, the defendant filed a motion *in limine*, seeking to exclude evidence of the defendant's prior convictions that the defendant believes the government may use for impeachment purposes.

In this district, movants must seek concurrence in the relief requested before filing a motion or request with this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendant does not state in its motions that concurrence was sought from the government before filing the motion. Particularly with respect to motions *in limine*, it is necessary for the Court to know whether the government intends to use the potentially contested evidence in the first place. The concurrence requirement serves the purpose of informing the Court of the government's intent with respect to evidentiary issues. "It is not up to the Court to expend its energies when the parties

have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendant has filed his motions in violation of the local rules and in a manner that does not provide the Court with information necessary to make a decision.

Accordingly, it is **ORDERED** that the defendant’s motion *in limine* [dkt. #22] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 1, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 1, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL